



General Assembly

February Session, 2010

Raised Bill No. 457

LCO No. 2081

* ____SB00457GAE__042210__ *

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING THE DEPARTMENT OF CORRECTION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-59b of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2010*):

3 (a) A person is guilty of assault of an employee of the Department of
4 Correction in the first degree when [he] such person is in the custody
5 of the Commissioner of Correction or confined in any institution or
6 facility of the Department of Correction and [commits] assaults an
7 employee of the Department of Correction acting in the performance of
8 his or her duties by (1) committing assault in the first degree under
9 section 53a-59, [and the victim of such assault is an employee of the
10 Department of Correction acting in the performance of his duties] or
11 (2) assaulting such employee with any type of offensive or noxious
12 liquid, agent or substance or any bodily fluid, including, but not
13 limited to, urine, feces, blood or saliva, that such person throws or
14 hurls, or causes to be thrown or hurled, at such employee.

15 (b) No person shall be found guilty of assault in the first degree and
16 assault of an employee of the Department of Correction in the first

17 degree upon the same incident of assault but such person may be
18 charged and prosecuted for both such offenses upon the same
19 information.

20 (c) Assault of an employee of the Department of Correction in the
21 first degree is a class B felony. If any person is sentenced to a term of
22 imprisonment for a violation of this section which occurred while such
23 person was confined in an institution or facility of the Department of
24 Correction, such term of imprisonment shall run consecutively to the
25 term for which the person was serving at the time of the assault.

26 Sec. 2. Subdivision (19) of subsection (b) of section 1-210 of the 2010
27 supplement to the general statutes is repealed and the following is
28 substituted in lieu thereof (*Effective July 1, 2010*):

29 (19) Records when there are reasonable grounds to believe
30 disclosure may result in a safety risk, including the risk of harm to any
31 person, any government-owned or leased institution or facility or any
32 fixture or appurtenance and equipment attached to, or contained in,
33 such institution or facility, except that such records shall be disclosed
34 to a law enforcement agency upon the request of the law enforcement
35 agency. Such reasonable grounds shall be determined (A) (i) by the
36 Commissioner of Public Works, after consultation with the chief
37 executive officer of an executive branch state agency, with respect to
38 records concerning such agency; and (ii) by the Commissioner of
39 Emergency Management and Homeland Security, after consultation
40 with the chief executive officer of a municipal, district or regional
41 agency, with respect to records concerning such agency; (B) by the
42 Chief Court Administrator with respect to records concerning the
43 Judicial Department; and (C) by the executive director of the Joint
44 Committee on Legislative Management, with respect to records
45 concerning the Legislative Department. As used in this section,
46 "government-owned or leased institution or facility" includes, but is
47 not limited to, an institution or facility owned or leased by a public
48 service company, as defined in section 16-1, a certified
49 telecommunications provider, as defined in section 16-1, a water

50 company, as defined in section 25-32a, or a municipal utility that
51 furnishes electric, gas or water service, but does not include an
52 institution or facility owned or leased by the federal government, and
53 "chief executive officer" includes, but is not limited to, an agency head,
54 department head, executive director or chief executive officer. Such
55 records include, but are not limited to:

56 (i) Security manuals or reports;

57 (ii) Engineering and architectural drawings of government-owned
58 or leased institutions or facilities;

59 (iii) Operational specifications of security systems utilized at any
60 government-owned or leased institution or facility, except that a
61 general description of any such security system and the cost and
62 quality of such system, may be disclosed;

63 (iv) Training manuals prepared for government-owned or leased
64 institutions or facilities that describe, in any manner, security
65 procedures, emergency plans or security equipment;

66 (v) Internal security audits of government-owned or leased
67 institutions or facilities;

68 (vi) Minutes or records of meetings, or portions of such minutes or
69 records, that contain or reveal information relating to security or other
70 records otherwise exempt from disclosure under this subdivision;

71 (vii) Logs or other documents that contain information on the
72 movement or assignment of security personnel;

73 (viii) Emergency plans and emergency preparedness, response,
74 recovery and mitigation plans, including plans provided by a person
75 to a state agency or a local emergency management agency or official;
76 [and]

77 (ix) With respect to a water company, as defined in section 25-32a,
78 that provides water service: Vulnerability assessments and risk

79 management plans, operational plans, portions of water supply plans
80 submitted pursuant to section 25-32d that contain or reveal
81 information the disclosure of which may result in a security risk to a
82 water company, inspection reports, technical specifications and other
83 materials that depict or specifically describe critical water company
84 operating facilities, collection and distribution systems or sources of
85 supply; and

86 (x) With respect to correctional institutions or facilities under the
87 supervision of the Department of Correction or facilities of the Whiting
88 Forensic Division of the Connecticut Valley Hospital, any records
89 related to the physical plant, infrastructure and site conditions of such
90 institutions or facilities, including, but not limited to, drawings,
91 specifications, plans and aerial depictions.

92 Sec. 3. (NEW) (*Effective July 1, 2010*) (a) A person is guilty of
93 possession of an electronic wireless communication device in a
94 correctional institution when, being an inmate of a correctional
95 institution, such person knowingly conveys from place to place or has
96 in such person's possession or under such person's control an
97 electronic wireless communication device.

98 (b) Possession of an electronic wireless communication device is a
99 class D felony.

100 Sec. 4. Section 18-85 of the general statutes is repealed and the
101 following is substituted in lieu thereof (*Effective July 1, 2010*):

102 (a) The Commissioner of Correction, after consultation with the
103 Commissioner of Administrative Services and the Secretary of the
104 Office of Policy and Management, shall establish a schedule of
105 compensation for services performed on behalf of the state by inmates
106 of any institution or facility of the department. Such schedule shall
107 recognize degrees of merit, diligence and skill in order to encourage
108 inmate incentive and industry.

109 (b) Compensation so earned shall be deposited, under the direction

110 of the [administrative head of such institution or facility, in an inmate's
 111 individual account] Commissioner of Correction, in a savings bank or
 112 state bank and trust company in this state [, and funds from such
 113 account may be transferred to the inmate's discharge savings account
 114 pursuant to section 18-84a. Any amount in such accounts] or an
 115 account administered by the State Treasurer. Any compensation so
 116 earned shall be paid to the inmate on the inmate's [discharge] release
 117 from incarceration, except that the [warden or Community
 118 Correctional Center Administrator] commissioner may, while the
 119 inmate is in custody, disburse any compensation earned by such
 120 inmate in accordance with the following priorities: (1) Federal taxes
 121 due; (2) restitution or payment of compensation to a crime victim
 122 ordered by any court of competent jurisdiction; (3) payment of a civil
 123 judgment rendered in favor of a crime victim by any court of
 124 competent jurisdiction; (4) victims compensation through the criminal
 125 injuries account administered by the Office of Victim Services; (5) state
 126 taxes due; (6) support of the inmate's dependents, if any; (7) the
 127 inmate's necessary travel expense to and from work and other
 128 incidental expenses; (8) payments to the inmate's discharge savings
 129 account under section 18-84a, as amended by this act; (9) costs of such
 130 inmate's incarceration under section 18-85a, as amended by this act,
 131 and regulations adopted in accordance with said section; and [(9)] (10)
 132 payment to the clerk of the court in which an inmate, [of a community
 133 correctional center, held] confined in a correctional facility only for
 134 payment of a fine, was convicted, such portion of such compensation
 135 as is necessary to pay such fine. Any interest that accrues shall be
 136 credited to any institutional fund established for the welfare of
 137 inmates. Compensation under this section shall be in addition to any
 138 compensation received or credited under section 18-50.

139 Sec. 5. Section 18-84a of the general statutes is repealed and the
 140 following is substituted in lieu thereof (*Effective July 1, 2010*):

141 (a) The Commissioner of Correction shall require each inmate
 142 sentenced to a term of incarceration by a court of this state to
 143 accumulate savings to be paid to the inmate on the inmate's

144 [discharge] release from incarceration by establishing a discharge
145 savings account on behalf of the inmate. Any inmate sentenced to a
146 term of incarceration by a court of this state but confined in a facility
147 outside this state shall be exempt from such requirement while
148 confined in such facility.

149 (b) For the purpose of establishing such discharge savings account,
150 the commissioner may impose a deduction of up to ten per cent on all
151 deposits [made] credited to the inmate's individual account, provided
152 the commissioner (1) [transfers] credits such deduction to the inmate's
153 discharge savings account, and (2) ceases imposition [and transfer] of
154 such deduction whenever the amount in the inmate's discharge
155 savings account [is equal to] equals one thousand dollars.

156 (c) [If] Whenever the amount in the inmate's discharge savings
157 account [is equal to] equals one thousand dollars, the commissioner
158 shall impose a deduction of ten per cent on all deposits made to the
159 inmate's individual account to the extent necessary to reimburse the
160 state for the costs of the inmate's incarceration pursuant to section 18-
161 85a, as amended by this act, and the regulations adopted pursuant to
162 said section. [18-85a.]

163 (d) Disbursement to the inmate from the inmate's discharge savings
164 account upon the inmate's release from incarceration shall not be
165 reduced by any disbursement required by sections 18-85, as amended
166 by this act, 18-85b, 18-85c and 18-101, as amended by this act.

167 (e) The commissioner may adopt regulations, in accordance with the
168 provisions of chapter 54, to implement this section.

169 Sec. 6. Section 18-85a of the general statutes is repealed and the
170 following is substituted in lieu thereof (*Effective July 1, 2010*):

171 (a) The Commissioner of Correction shall adopt regulations, in
172 accordance with the provisions of chapter 54, concerning the
173 assessment of inmates of correctional institutions or facilities for the
174 costs of their incarceration.

(b) The state shall have a claim against each inmate for the costs of such inmate's incarceration under this section, and regulations adopted in accordance with this section, for which the state has not been reimbursed. Any property owned by such inmate may be used to satisfy such claim, except property that is: (1) Exempt pursuant to section 52-352b or 52-352d, except as provided in subsection (b) of section 52-321a; (2) subject to the provisions of section 54-218; (3) acquired by such inmate after the inmate is released from incarceration, but not including property so acquired that is subject to the provisions of section 18-85b, 18-85c or 52-367c, and except as provided in subsection (b) of section 52-321a; (4) acquired by such inmate for work performed during incarceration as part of a program designated or defined in regulations adopted by the Commissioner of Correction, in accordance with the provisions of chapter 54, as a job training, skill development or career opportunity or enhancement program, other than a program established pursuant to section 18-90b, as amended by this act, except that the commissioner may assess a fee for participation in any such program; or (5) [deposited in] credited to a discharge savings account pursuant to section 18-84a, as amended by this act, not in excess of one thousand dollars. In addition to other remedies available at law, the Attorney General, on request of the Commissioner of Correction, may bring an action in the superior court for the judicial district of Hartford to enforce such claim, provided no such action shall be brought but within two years from the date the inmate is released from incarceration or, if the inmate dies while in the custody of the commissioner, within two years from the date of the inmate's death, except that such limitation period shall not apply if such property was fraudulently concealed from the state.

Sec. 7. Section 18-101 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2010*):

(a) When any [person] inmate to whom privileges have been granted under section [18-90b or] 18-100 is employed for compensation, the Commissioner of Correction or the commissioner's designee shall collect such compensation or require such [person]

209 inmate to deliver to the commissioner the full amount of such
 210 compensation when received. The commissioner or [such] the
 211 commissioner's designee shall [deposit] credit such funds in trust in
 212 [an] the inmate's individual account and shall keep a record showing
 213 the status of the account of each [person. Compensation received by
 214 such person during such person's term of imprisonment shall not be
 215 subject to levy or attachment] inmate.

216 (b) On granting privileges to any [person] inmate under section [18-
 217 90b or] 18-100, the commissioner or the commissioner's designee shall
 218 disburse any compensation earned by such [person] inmate in
 219 accordance with the following priorities: (1) Federal taxes due; (2)
 220 restitution or payment of compensation to a crime victim ordered by
 221 any court of competent jurisdiction; (3) payment of a civil judgment
 222 rendered in favor of a crime victim by any court of competent
 223 jurisdiction; (4) victims compensation through the criminal injuries
 224 account administered by the Office of Victim Services; (5) state taxes
 225 due; (6) support of such [person's] inmate's dependents, if any; (7) such
 226 [person's] inmate's necessary travel expense to and from work and
 227 other incidental expenses; [and] (8) payments to the inmate's discharge
 228 savings account under section 18-84a, as amended by this act; and (9)
 229 costs of such [person's] inmate's incarceration under section 18-85a, as
 230 amended by this act, and regulations adopted in accordance with said
 231 section. The commissioner shall pay any balance remaining to such
 232 [person] inmate upon the [person's discharge] inmate's release from
 233 incarceration including any amount [transferred] credited to a
 234 discharge savings account pursuant to section 18-84a, as amended by
 235 this act. Each [person] inmate gainfully self-employed shall pay to the
 236 commissioner the costs of such [person's] inmate's incarceration under
 237 section 18-85a, as amended by this act, and regulations adopted in
 238 accordance with said section, and on default in payment thereof the
 239 [person's] inmate's participation under section 18-100 shall be revoked.

240 (c) The commissioner or the commissioner's designee shall notify
 241 the Commissioner of Social Services and the welfare department of the
 242 town where the dependents of any [person] inmate employed under

243 the provisions of section 18-90b, as amended by this act, or 18-100
 244 reside of the amounts of any payments being made to such
 245 dependents.

246 Sec. 8. Section 18-90b of the general statutes is repealed and the
 247 following is substituted in lieu thereof (*Effective July 1, 2010*):

248 (a) The Commissioner of Correction is authorized to establish a pilot
 249 program involving the use of inmate labor in private industry
 250 consistent with governing federal guidelines.

251 (b) The commissioner may enter into such contracts as may be
 252 necessary to fully implement the pilot program. Such contractual
 253 agreements may include rental or lease agreements for state buildings
 254 or portions thereof on the grounds of any institution or facility of the
 255 Department of Correction and for any real property needed for
 256 reasonable access to and egress from any such building for the purpose
 257 of establishing and operating a factory for the manufacturing and
 258 processing of goods, wares or merchandise or the provision of service
 259 or any other business or commercial enterprise deemed by the
 260 commissioner to enhance the general welfare of the inmate population.

261 (c) An inmate may participate in the program established pursuant
 262 to this section only on a voluntary basis and only after he has been
 263 informed of the conditions of his employment.

264 (d) No inmate participating in the program shall be paid less than
 265 the prevailing wage for work of similar nature in private industry.

266 (e) Inmate participation in the program shall not result in the
 267 displacement of employed workers and shall not impair existing
 268 contracts for services.

269 (f) Nothing contained in this section shall be deemed to restore in
 270 whole or in part the civil rights of any inmate. No inmate compensated
 271 for participation in the program shall be considered to be an employee
 272 of the state or exempt from the provisions of section 18-84a, as

273 amended by this act, or section 18-85a, as amended by this act.

274 (g) The provisions of subsection (j) of section 18-88 shall not apply to
275 any articles, materials or products manufactured or produced by
276 institutional inmates pursuant to this section.

277 Sec. 9. Subsection (l) of section 10-233d of the 2010 supplement to
278 the general statutes is repealed and the following is substituted in lieu
279 thereof (*Effective July 1, 2010*):

280 (l) If a student who committed an expellable offense seeks to return
281 to a school district after having been in a juvenile detention center, the
282 Connecticut Juvenile Training School, an institution or facility of the
283 Department of Correction or any other residential placement for one
284 year or more, the district to which the student is returning shall allow
285 such student to return and may not expel the student for additional
286 time for such offense.

287 Sec. 10. Section 54-76l of the general statutes is repealed and the
288 following is substituted in lieu thereof (*Effective from passage*):

289 (a) The records or other information of a youth, other than a youth
290 arrested for or charged with the commission of a crime which is a class
291 A felony or a violation of section 14-222a, subsection (a) of section 14-
292 224, section 14-227a or 14-227g, subdivision (2) of subsection (a) of
293 section 53-21 or section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-
294 72b, except a violation involving consensual sexual intercourse or
295 sexual contact between the youth and another person who is thirteen
296 years of age or older but under sixteen years of age, including
297 fingerprints, photographs and physical descriptions, shall be
298 confidential and shall not be open to public inspection or be disclosed
299 except as provided in this section, but such fingerprints, photographs
300 and physical descriptions submitted to the State Police Bureau of
301 Identification of the Division of State Police within the Department of
302 Public Safety at the time of the arrest of a person subsequently
303 adjudged, or subsequently presumed or determined to be eligible to be
304 adjudged, a youthful offender shall be retained as confidential matter

305 in the files of the bureau and be opened to inspection only as provided
306 in this section. Other data ordinarily received by the bureau, with
307 regard to persons arrested for a crime, shall be forwarded to the
308 bureau to be filed, in addition to such fingerprints, photographs and
309 physical descriptions, and be retained in the division as confidential
310 information, open to inspection only as provided in this section.

311 (b) The records of any such youth, or any part thereof, may be
312 disclosed to and between individuals and agencies, and employees of
313 such agencies, providing services directly to the youth, including law
314 enforcement officials, state and federal prosecutorial officials, school
315 officials in accordance with section 10-233h, court officials, the Division
316 of Criminal Justice, the Court Support Services Division and an
317 advocate appointed pursuant to section 54-221 for a victim of a crime
318 committed by the youth. Such records shall also be available to the
319 attorney representing the youth, in any proceedings in which such
320 records are relevant, to the parents or guardian of such youth, until
321 such time as the youth reaches the age of majority or is emancipated,
322 and to the youth upon his or her emancipation or attainment of the age
323 of majority, provided proof of the identity of such youth is submitted
324 in accordance with guidelines prescribed by the Chief Court
325 Administrator. Such records shall also be available to members and
326 employees of the Board of Pardons and Paroles and employees of the
327 Department of Correction who, in the performance of their duties,
328 require access to such records, provided the subject of the record has
329 been adjudged a youthful offender and sentenced to a term of
330 imprisonment or been convicted of a crime in the regular criminal
331 docket of the Superior Court, and such records are relevant to the
332 performance of a risk and needs assessment of such person while such
333 person is incarcerated, the determination of such person's suitability
334 for release from incarceration or for a pardon, or the determination of
335 the supervision and treatment needs of such person while on parole or
336 other supervised release. Such records disclosed pursuant to this
337 subsection shall not be further disclosed.

338 (c) The records of any such youth, or any part thereof, may be

339 disclosed upon order of the court to any person who has a legitimate
340 interest in the information and is identified in such order. Records or
341 information disclosed pursuant to this subsection shall not be further
342 disclosed.

343 (d) The records of any such youth, or any part thereof, shall be
344 available to the victim of the crime committed by such youth to the
345 same extent as the record of the case of a defendant in a criminal
346 proceeding in the regular criminal docket of the Superior Court is
347 available to a victim of the crime committed by such defendant. The
348 court shall designate an official from whom such victim may request
349 such information. Information disclosed pursuant to this subsection
350 shall not be further disclosed.

351 (e) Any reports and files held by the Court Support Services
352 Division regarding any such youth who served a period of probation
353 may be accessed and disclosed by employees of the division for the
354 purpose of performing the duties contained in section 54-63b.

355 (f) Information concerning any such youth who has escaped from an
356 institution to which such youth has been committed or for whom an
357 arrest warrant has been issued may be disclosed by law enforcement
358 officials.

359 (g) Information concerning any such youth in the custody of the
360 Department of Correction may be disclosed by the department to the
361 parents or guardian of such youth.

362 ~~[(g)]~~ (h) The information contained in and concerning the issuance
363 of any protective order issued in a case in which a person is presumed
364 or determined to be eligible to be adjudged a youthful offender shall
365 be entered in the registry of protective orders pursuant to section 51-5c
366 and may be further disclosed as specified in said section.

367 ~~[(h)]~~ (i) The records of any youth adjudged a youthful offender for a
368 violation of section 14-215 or 14-222, subsection (b) of section 14-223 or
369 subsection (b) or (c) of section 14-224 shall be disclosed to the

370 Department of Motor Vehicles for administrative use in determining
 371 whether suspension of such person's motor vehicle operator's license is
 372 warranted. The commissioner shall suspend the motor vehicle
 373 operator's license of such youth for six months for a first offense and
 374 one year for a second or subsequent offense. Such records disclosed
 375 pursuant to this subsection shall not be further disclosed.

376 [(i)] (j) The provisions of this section, as amended by public act 05-
 377 232, apply to offenses committed after January 1, 2006, and do not
 378 affect any cases pending on said date or any investigations involving
 379 offenses committed prior to said date.

380 Sec. 11. Section 18-101b of the general statutes is repealed and the
 381 following is substituted in lieu thereof (*Effective July 1, 2010*):

382 (a) Any inmate of a correctional facility under the authority of the
 383 Department of Correction, involved in a departmental program for
 384 drug dependent inmates or in a departmental work or education
 385 release program, may request that he be allowed to remain in a
 386 correctional facility for up to ninety days beyond his parole release or
 387 discharge date.

388 (b) Any inmate of a correctional facility under the authority of the
 389 Department of Correction may request that he be allowed to remain in
 390 a correctional facility for up to ninety days beyond his discharge date
 391 (1) if such inmate is scheduled to be discharged to a treatment program
 392 or health care institution but the program or institution is unable to
 393 accept the inmate on the scheduled discharge date, or (2) for any
 394 compelling reason deemed consistent with offender rehabilitation or
 395 treatment.

396 [(b)] (c) Any person under the jurisdiction of the Department of
 397 Correction, involved in a program operated by a state department
 398 other than the Department of Correction, may request that he be
 399 allowed to remain in such program for up to ninety days beyond his
 400 parole release or discharge date.

401 [(c)] (d) Any inmate requesting permission to remain in a
 402 correctional facility, as provided in subsection (a) or (b) of this section
 403 or any person requesting permission to remain in a program, as
 404 provided in subsection [(b)] (c) of this section, shall submit such
 405 request, in writing, to the Commissioner of Correction not later than
 406 one week prior to the scheduled date for the inmate's parole release or
 407 discharge.

408 [(d)] (e) Any inmate receiving permission to remain in a correctional
 409 facility or any person receiving permission to remain in a program
 410 operated by a state department other than the Department of
 411 Correction beyond his scheduled date for parole release or discharge
 412 may be charged a reasonable daily fee by the appropriate department
 413 while [said inmate is] housed in a facility of said department.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2010</i>	53a-59b
Sec. 2	<i>July 1, 2010</i>	1-210(b)(19)
Sec. 3	<i>July 1, 2010</i>	New section
Sec. 4	<i>July 1, 2010</i>	18-85
Sec. 5	<i>July 1, 2010</i>	18-84a
Sec. 6	<i>July 1, 2010</i>	18-85a
Sec. 7	<i>July 1, 2010</i>	18-101
Sec. 8	<i>July 1, 2010</i>	18-90b
Sec. 9	<i>July 1, 2010</i>	10-233d(l)
Sec. 10	<i>from passage</i>	54-76l
Sec. 11	<i>July 1, 2010</i>	18-101b

JUD *Joint Favorable*

GAE *Joint Favorable*